

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the Matter of
Advanced Television Systems
and Their Impact upon the
Existing Television Broadcast
Service

Fourth Further Notice of Proposed
Rule Making and Third Notice
of Inquiry

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

MM Docket No. 87-268

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COMMENTS OF NORTH GEORGIA TELEVISION, WDNN CHANNEL 43

North Georgia Television, ("WDNN") channel 43, hereby submits its comments in the proposed rulemaking Fourth Further Notice of Proposed Rule Making and Third Notice of Inquiry ("NPRM"). WDNN seeks to comment on the adverse effects of the policies set forth in this NPRM on low power television.

WDNN programming consist of the follow broadcasts:

- Daily 30 minute news program;
- Two week local church services;
- Produce two weekly 30 minute talk shows J.W. Bray Show and "La Voz De Dalton", a Spanish-language program;
- During Football season we produce six weekly sports programs;
- During Basketball season we produce six weekly sports programs along with ten play-off games; and
- Throughout the year, we will produce seasonal specials such as political forums, election returns and interviews

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with our visiting governmental officials.

POTENTIAL ADVERSE IMPACT OF THE COMMISSION'S ATV PROPOSAL ON
THE COMMISSION'S LONG STANDING POLICY OF FOSTERING PROGRAMMING AND
OWNERSHIP DIVERSITY.

Since the inception of the Communications Act of 1934, it has been the intent of the Federal Communications Commission (referred to "FCC" or "Commission") to establish broadcast station ownership patterns that represents the views of the public as these relate to the diverse communications industries and sub-industries. One of the basic underlying considerations of the 1934 Act was the desire to effectuate policy that discouraged the formation of monopolies in broadcast and effectuate ownership policies that would as a result diversify program content.¹

With this in mind, the Commission has set precedent with its adoption of various policies and programs which are intended to minimize whatever negative effect small entities might face in the advent of new rulemakings and new technologies.² For the purpose of this proposed rulemaking Fourth Further Notice of Proposed Rule Making and Third Notice of Inquiry ("NPRM"), WDNN seeks to comment

¹ See Section 307 of the Communications Act relating to the efficient distribution of the spectrum.

² See, for example, the small business protections adopted by Congress in the auction provisions of the Communications Act.

on the adverse effects of the policies set forth in this NPRM on low power television. These effects are a result of the Commission's decision to exclude low power television broadcasters from this important rulemaking and thus continue to maintain the LPTV's industry secondary status in television broadcasting.

Throughout the creation of the diversity policies for television broadcast service, the Commission adhered to the principle that diversification better serves the needs of the public at large. The Commission firmly stated that the vitality of the U.S. system of broadcasting depended largely on a diversified ownership and, hence, diversification of programming and service content.

The low power television³ medium is a niche broadcasting service with the potential to provide specialized programming to specialized markets, particularly underserved and ethnic communities. According to industry experts, approximately 42% of LPTV stations provide the public with programming for special demographic populations, reflecting fulfillment of the Commission's initial goal when establishing LPTV service in 1983. Moreover, LPTV stations on the air in the U.S. now number more than 1751 stations.⁴ The present LPTV figure comprises 1193 UHF and 558 VHF stations, compared to the nation's full power commercial and

³ Report and Order, March 4, 1982

⁴Part 74 CFR and Report and Order, 1982.

educational stations which now number approximately 1,542 stations.⁵

Despite the growth in ownership in the LPTV industry and the fact that LPTV broadcasters have made great efforts in the last decade to acquaint the various Commissioners with the unique and diverse services that LPTV provides to the public and record the successes that the LPTV industry has achieved with the Commission's stated goals of providing universal, over-the-air television service, the Commission's Fourth Notice of Proposed Rulemaking and Third Notice of Inquiry has excluded low power broadcasters from any consideration in the transition plan and the proposed statement of proposed ATV policies.

WDNN is clear about the increased range of new service capabilities that digital technology will bring to television, as well as the capability to deliver multiple program streams over one 6 MHz channel that the conversion to digital will bring. But WDNN's reasons for these promised new services justify not including this segment of the television broadcasting industry in this ATV rulemaking. The Commission has stated that its initial reason for exclusion LPTV to be that the broader public interest would be best served by limiting initial channel allocation to existing eligible broadcasters, but are not over 800 licensed LPTV entrepreneurs broadcasters? Broadcasting is exclusively and exactly what we do.

⁵ See station totals in most recent Public Notice.

In compliance with the Commission's principles of diversification of ownership, and universal service⁶ and the U.S. Constitution, any technical standards used to develop an allotment table should be readily and equally available to all broadcasters and the diverse audiences they serve, not just full power broadcasters. To exclude LPTV broadcasters from the ATV proceeding is to say that the Commission does not believe in its long stated standard that the public interest of all Americans would be served if all Americans could participate in the continued reception of television.

II. POTENTIAL IMPACT ON THE COMMISSION'S OBJECTIVE OF PROMOTING DIVERSITY OF VIEWPOINTS IN A DIGITAL WORLD.

The Commission should continue to value localism in an era of megamergers. LPTV is one of the few remaining services that focuses on local content. It is the local programming of that low power television broadcasters that bring services and programming to the underserved and ethnic communities throughout the U.S. Furthermore, part of the Commission's goals in inaugurating LPTV service were to bring local programming to communities that had never been served or had been underserved by full power television. Equally as important, was the desire to increase diversity in ownership in television broadcasting among women and minorities,

⁶ See Sixth Report and Order (1952).

since entrant of minorities in full power television is lower than that of LPTV due to the lack of access to capital by minorities. Currently there are 31 full power TV stations owned by minorities versus 124 LPTV stations owned by minorities.

III. POTENTIAL IMPACT OF SPECTRUM RECOVERY AND CREATION OF CONTIGUOUS BLOCKS OF SPECTRUM ON LOW POWER TELEVISION BROADCASTERS.

With respect to the recovery of spectrum, in the Second Report/Further Notice, the Commission put broadcasters on notice that when ATV becomes the prevalent medium, broadcasters would be required to surrender a 6 MHz channel and cease broadcasting in NTSC.⁷ Later, in the Third Report/Further Notice, the Commission stated its plan to award broadcasters interim use of an additional 6 MHz channel to permit a smooth, efficient transition to an improved technology with as much certainty and as little inconvenience to the public and the industry as possible.

It is evident that the Commission remains committed to the recovery of spectrum to full power broadcasters, yet it not evident that the Commission remains committed to ownership rights of LPTV broadcasters with the advent of digital technology, with the possibility of eliminating a vast number of existing LPTV licensees. Furthermore, the Communications Act of 1934 mandates that the Commission allocates spectrum in a manner which is, among other things, efficient. 47 U.S.C. Section 307 (b). And as stated

⁷ Second Report/Further Notice, 7 FCC Rcd 3340, 3353 (1992).

by Chairman Reed Hundt in his speech at the Pittsburgh Law School, the Commission ought to apply the public interest standard, with concrete duties imposed on broadcasters.

IV. POTENTIAL IMPACT OF THE EXCLUSION OF LPTV BROADCASTERS ON EFFECTS OF ATV TRANSITION TO SMALL MARKET BROADCASTERS

LPTV stations should not be displaced only when an alternative is not available. Adequate notice of any proposed allotment table should be given, along with disclosure of all technical standards so LPTV broadcasters may recommend changes in individual allotments that will minimize any adverse impact upon them.


V. HOW THE COMMISSION CAN ACCOMMODATE LPTV BROADCAST STATIONS IN THE TRANSITION TO DIGITAL TELEVISION

LPTV stations should be given an opportunity to apply for remaining ATV spectrum after full power stations have applied for ATV spectrum, before the general public. Furthermore, any spectrum repackaging or recapture should consider perhaps establishing a guard band between full power TV and nonbroadcast services and therefore taking LPTV broadcasters into account.

WDNN supports the comments which oppose the Commission's exclusion of LPTV as primary licensees in the new ATV service. WDNN firmly believes that this action by the Commission is a violation of the Constitutional rights of the LPTV broadcasters.

Wherefore, for the foregoing reasons, STATION, respectfully submits that the Commission should revise its proposals in its Fourth Further Notice of Proposed Rulemaking and Third Notice of Inquiry to insure a more spectrally efficient ATV allotment table and to accommodate low power television broadcasters with an ATV simulcast channel.

Respectfully submitted,

By:  President
Doug Jensen, Station Manager
North Georgia Television
101 S. Spencer Street
Dalton, GA 30721-3122

Dated: November 14, 1995



NORTH GEORGIA TELEVISION

YEAR END REPORT

JANUARY, 1995



*Front Row: (L-R), Doug Jensen-Executive Director, Sherry Wein- News Director, Kristy Lockhart-Reporter, Calvin Means-News Anchor.
Back Row:(L-R) Doug Smith, Heather Case-Reporter, Melanie Woody-Production, Keith Lunsford-Sports, James Logan-Production, Joe McKechnie-Sports.
In addition to the above full time staff there are 9 part time staff members. All of these folks love what they do and are a vital asset to NGTV's success.*



North Georgia Television is about North Georgia and is ready to serve our growing community.

North Georgia Television's mission is to serve all areas of our community. Serve is a key word in what we do at NGTV. In each decision we make, the question of "what will best serve our community and its people" is our central focus.

As a television station we have a great responsibility to serve our community through distributing vital information that the community wants and needs.

Through NGTV's Nightly NewsWatch the community tunes in to hear accurate and truthful accounts of news events. Our reporters strive to serve the community through unbiased and tasteful news reporting. It is a family newscast with hard facts and timely reports. NGTV also becomes involved with its staff by helping with community projects. For the past five years we have volunteered our time and facilities for the Troubled Children Council Telethon.

NGTV has co-sponsored the Providence Ministries' Walk of Love and has given many hours to the Chamber of Commerce Education Partner program. Through our efforts we have received recognition from two national organizations — FamilyNet and the Community Broadcasters Association. This past August we received the Community Service Award in Dallas, Texas for our community involvement.

Then in November at the CBA Convention in Washington NGTV's Nightly News Watch was recognized as the third best in the country providing local coverage of community activities.



Doug Jensen accepts the Community Service Award during the televised FamilyNet Awards.

♦♦♦♦♦

Many in our community have thanked us for our help:

You have truly performed a public serve to our community. — Thank you for allowing us to appear on your television shows - We are grateful to Sherry, Calvin, Kelli and Heather for their professionalism.

Jean Lowery — Dalton Education Foundation

TV43 has come a long way from its inception. I am particularly impressed with the quality of your Nightly News program. - It is very smoothly presented and professionally done. You have put together a good news team.

Glenn Rauschenberg

How fortunate we are to have your new Events program to keep the community informed about happenings in Dalton and the surrounding area! You provide a vital, positive link with this community.

Linda Blackman — Dalton College

I want to drop you a note thanking you and your staff for all the excellent work you do for the Chamber.

- We couldn't do it without you!!

George Sutherland — Dalton/Whitfield Chamber of Commerce

It was a tremendous pleasure working with your station on the Providence Ministries interview.

The fourth annual Walk of Love was a great success, and NGTV helped make it possible.

Roy Johnson — Providence Ministries

Thank you very much for the attention TV43 gave to our "Georgia Women of Achievement" exhibit.

We have received numerous compliments.

Marcia D. Hoole — Dalton Regional Library



**Nightly
NewsWatch**

with

Sherry Wein,

(News Director)

Calvin Means

&

Joe McKechnie

(Sports Director)

Weekdays at

5:30, 7:30,

10:30 pm,

2:30 & 7:30

am.



**NGTV to carry its signal to
Tennessee - W27BQ & W30BK**

NGTV stands for North Georgia Television. Its name has defined its goal. NGTV wants to serve the community through programs.

However, two counties in Tennessee also are desired for coverage so NGTV can expand into the Chattanooga area ADI.

Additional low power translator applications have been filed with the FCC to give NGTV adequate coverage.

Presently we have received the construction permits for W27BQ/Cleveland, Tennessee and W30BK/Chattanooga, Tennessee.

♦♦♦♦♦



**NORTH GEORGIA
TELEVISION**

CAN BE SEEN ON:

Falcon Cable TV 10

(Dalton, Ga.)

C-4 Media Cable TV10

(Chatsworth, Ga.)

With an antenna on:

UHF TV43 (W43AT) & UHF TV47 (W47BA)

NGTV's coverage area includes Whitfield County, Murray County, and parts of Walker County, Catoosa County & Gordon County. Also the southern parts of Hamilton and Bradley Counties in Tennessee.

NGTV PROGRAMS

During 1994 we brought several new programs to NGTV. In the first part of the year, we aired over 40 ACC basketball games, plus tournament play to the our viewers. In the spring came Around the Bases, a unique baseball show featuring the Dalton High School baseball team.

In the fall we introduced several new shows. The first was Carpets of Dalton SportsTalk — a live call-in sports show now hosted by Keith Lunsford and Joe McKechnie. It is an open forum on pro, college and high school sports.

Five additional sport shows also were added to the NGTV sports lineup. High School Pigskin Preview, Murray County Football, Bruin Football, Bruin Hoops and Southeast High School Raider Round Table.

Last but not least there is a new talk show called Events which is a daily community program hosted by Sherry Wein featuring a variety of community guests reporting their organizations happenings. ♦♦♦♦



Carpets of Dalton's SportsTalk



Around the Bases



Bruin Football



Raider Round Table

Nightly NewsWatch

Exclusive on location news, sports & weather coverage of Northwest Georgia community events

Events with Sherry Wein

Daily community program hosted by Sherry Wein with a variety of guests reporting their organizations happenings.

J.W. Bray Jr.

A show hosted by J.W. Bray that interviews a local guest or visiting celebrity.

Carpets of Dalton

SportsTalk

Live call-in sports show hosted by Keith Lunsford & Joe McKechnie with open discussion on pro, college & high school sports.

LA VOZ DE DALTON

A Spanish program directed at the Hispanic community. Produced by Alonso Acosta.

Church Services

First United Methodist Church of Dalton & Cedar Valley Church of God

Football Friday

The hottest show in town for local football fans featuring all the area football teams, live with game video & call-ins. Hosted by Bob Lee, Pete Wilson & Danny Crutchfield.

High School Pigskin

Preview

Thursday evening program profiles upcoming high school games.

Hosted by Joe McKechnie & Keith Lunsford.

Murray County

Football Show

Hosted by Keith Lunsford & head coach Bill Napier featuring game video, player interviews and lively call-in questions.

the Bruin Football Show

The Northwest H.S. football show with live call-in. Hosted by Joe McKechnie & head coach Tommy Scott.

Catamount Court Talk

The official Dalton High School Basketball show.

With Bob Lee, Coach Dennis Godfrey & Scott Brackett.

The Raider Round Table

The Southeast H.S. basketball show with an emphasis on all sports, academics & student life at school.

Around the Bases

Unique baseball show featuring the Dalton H.S. baseball team with video highlights, profiles and even a baseball tip of the week.

Dalton Junior High School Football

Replay of the DJHS 7th & 8th grade football. Announcer: Sam Lake

H.S. Basketball Play-Off

Delayed broadcasts of the region & state play-off games & tournaments. Hosted by Joe McKechnie & Keith Lunsford.



Football Friday



Bruin Hoops



Murray County Football



Catamount Court Talk

Political Involvement Helps Our Goals & Needs to be Understood

Keith Larson, low power FCC chairman said that "NGTV is the political king of low power television stations throughout the United States". This statement was given at the CBA Convention in Washington D.C. in November. NGTV had congressional aides from Senator Sam Nunn's and Congressman Nathan Deal's office attend the conference.

Special programming such as a 30 minute special with Georgia Governor Zell Miller gave us an opportunity to introduce the Governor to NGTV. But is also an opportunity for us to give our community an in-depth look at our state's chief representative.

We were able to accomplish the same thing with Senator Paul Coverdell on the J.W. Bray Show.

Congressman Nathan Deal travelled with Doug Jensen to talk with Walker County officials about serving their county with our local news. Congressman Deal spoke highly of NGTV, about the quality of the news service we have given him. Of the twenty counties he serves, he said that NGTV gave him the best coverage.

Through NGTV's political forums, we were able to keep voters informed of our politicians philosophies and hold them accountable to the public. With these live round table forums the community can call in and ask questions so they might know first hand where the candidates stand on the issues.

Dedicated to serving our community through timely reporting, NGTV offers live election coverage with on location coverage, live call-in questions statements and candidate interview.

Going to Washington D.C. with the Chamber of Commerce gives us a chance to lobby our elected officials about local concerns. Through television we were able to bring back reports and show them to our community.

North Georgia Television is trying hard to help make Dalton and North Georgia the political hub of North Georgia.

Many of our politicians have said nice things about NGTV:

Gov. Zell Miller — *Having followed its broadcast for the last four years - I have found NGTV to be a solid and responsible station.*

Sen. Paul Coverdell - *I want to thank you for arranging my recent interview on the J.W. Bray Show.*

Congressman Nathan Deal - *I have always found NGTV to be extremely interested in broadcasting news and information of importance to the people who live in the Congressional district I serve — the staff of NGTV have been very professional and efficient in their presentation of news and other public information.*

Rep. Steve Farrow - *NGTV has become an integral part of our community in the Dalton-Chatsworth area, providing many public interest programs.*

Margaret Ball, League of Women Voters
NGTV is giving us a 'better choice'.



News Director Sherry Wein interviews Governor Zell Miller during a recent special on North Georgia Television.



J.W. Bray interviews Senator Paul Coverdell on his weekly talk show in the NGTV studios.



U.S. Congressman Nathan Deal meets with Doug Jensen, Dr. Don Thomas and Dr. Charles Herndon.

NGTV North Georgia Television

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Calvin Means/Sales & Program
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Melanie Woody/Production
Keith Lunsford/Sports
Michelle Alexander/News Reporter